

interest on such claim or proportionable part thereof shall cease; provided that the administrator shall pay or tender the same, together with such further part as shall be due, on further money coming into hand, to the creditor on demand; and in case the administrator on demand of a greater sum made by such creditor shall tender the principal and interest which were due at the time of such dividend, or the just proportional part thereof, together with such further proportion as aforesaid of assets, and the claimant shall notwithstanding bring suit, the administrator at any time before judgment may bring into court the money so tendered, or money to an equal amount; and if he shall satisfy the court that the said sum was really the amount of the principal and interest due at the time of such dividend, or of the proportionable part to which the claimant was entitled at the dividend, together with such further proportion (if any there arose), the court shall thereupon give judgment that the sum so brought in, deducting the costs sustained by the defendant, be paid to the plaintiff, and the said judgment shall be pleadable in bar to any action afterwards brought to recover the said debt; or, in case the administrator shall not tender as aforesaid before the suit brought, the creditor shall recover no more than the proportionable part due at the time of the dividend, and such further proportion as he was entitled to on the coming in of further assets, with interest on each to the time of judgment.

Object of the portion of this section authorizing an administrator to retain money to meet a claim; such retainer does not imply an acknowledgment of the debt, or remove the bar of the statute of limitations. *Pole v. Simmons*, 49 Md. 19.

1904, art. 93, sec. 103. 1888, art. 93, sec. 104. 1860, art. 93, sec. 105.
1798, ch. 101, sub-ch. 8, sec. 5. 1861, ch. 44. 1888, ch. 262.

104. Executors and administrators shall have full power to commence and prosecute any personal action whatever, at law or in equity, which the testator or intestate might have commenced and prosecuted, except actions of slander; and they shall be liable to be sued in any court of law or equity, in any action (except for slander and injuries to the person) which might have been maintained against the deceased; and they shall be entitled to and answerable for costs in the same manner as the deceased would have been, and shall be allowed for the same in their accounts, if the court awarding costs against them shall certify that there were probable grounds for instituting, prosecuting or defending the action on which a judgment or decree shall have been given against them. The words "actions for injury done to the person," hereinbefore used, shall not be held to embrace actions for illegal arrest, false imprisonment or violation of the twenty-third, twenty-sixth, thirty-first and thirty-second articles of the declaration of rights, or any of them, or of the existing or any future provisions of the code, touching the writ of *habeas corpus* or proceedings thereunder; for all of which enumerated wrongs, actions may be maintained by and against executors as they may be or might have been by and against the party or parties deceased.